

**FAX RECEIVED****JAN 02 2003****GROUP 1600****ADLER & ASSOCIATES**P.O. BOX 710509  
HOUSTON, TEXAS 77271-0509WRITER'S DIRECT DIAL  
(713)-270-5391  
WRITER'S DIRECT FAC.  
(713)-270-5361  
E. MAIL: badler1@houston.rr.comINTELLECTUAL PROPERTY LAW  
(PATENT, BIOTECHNOLOGY, COMPUTER,  
TRADEMARK & TRADE SECRET LAW)**FACSIMILE TRANSMITTAL SHEET****OFFICIAL**

TO:	FROM:
Examiner: Virginia Allen Portner	Benjamin Aaron Adler, Ph.D., J.D
COMPANY:	DATE:
US PTO, Art unit 1645	12/31/02
FAX NUMBER:	TOTAL NO. OF PAGES :
(703) 308-4242	22 (including cover)
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
(703) 308-7543	D5979
RE:	YOUR REFERENCE NUMBER:
Response After Final	09/355,793

☐ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE**Comments:**

Please deliver the attached to Examiner Portner.

A Final Office Action mailed July 18, 2002 for 09/355,793 (D5979; Blaser, et al.)  
Petition for Extension of Time and a Certificate of Mailing under 37 CFR 1.8 are  
attached herein.If you have any questions after reviewing these papers, please call me at  
PHONE: 713/270-5391, FAX: 713/270-5361. Thank you.**CONFIDENTIALITY NOTICE:** Unless otherwise indicated or obvious from the nature of this  
transmittal, the information contained in this facsimile is attorney privileged and confidential  
information intended for the use of the individual or entity named above. If the reader is not the  
intended recipient or an employee or agent responsible for delivery, you are hereby notified that  
any dissemination, distribution or copying of this communication is strictly prohibited. If you  
receive this communication in error, please immediately notify Dr. Benjamin Adler at (713) 270-  
5391 and promptly return the facsimile. Thank you.

**ATCC**

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.****To: (Name and Address of Depositor or Attorney)**NYU School of Medicine  
Attn: Martin J. Blaser, M.D.  
550 First Avenue, OBV-A606  
New York, NY 10016**Deposited on Behalf of:** Vanderbilt University, Nashville, TN**Identification Reference by Depositor:**Escherichia coli DH5-alpha with pLR100  
Escherichia coli HB101 with pK0500  
Escherichia coli DH5-alpha with pK050**Patent Deposit Designation**PTA-4750  
PTA-4751  
PTA-4752

The deposits were accompanied by:    a scientific description    a proposed taxonomic description indicated above. The deposits were received October 18, 2002 by this International Depository Authority and have been accepted.

**AT YOUR REQUEST:**   X   We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested November 13, 2002. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: December 19, 2002

cc: Benjamin A. Adler, Ph.D., J.D.  
(Ref: Docket or Case No.: 09/355,793)

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**

To: (Name and Address of Depositor or Attorney)

NYU School of Medicine  
Attn: Martin J. Blaser, M.D.  
550 First Avenue, OBV-A606  
New York, NY 10016

Deposited on Behalf of: Vanderbilt University, Nashville, TN

Identification Reference by Depositor:

Campylobacter fetus recA mutant: 97-211  
Campylobacter fetus: 23D

Patent Deposit Designation

PTA-4753  
PTA-4754

The deposits were accompanied by:    a scientific description, a proposed taxonomic description indicated above. The deposits were received October 18, 2002 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested November 1, 2002. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: December 19, 2002

cc: Benjamin A. Adler, Ph.D., J.D.  
(Ref: Docket or Case No.: 09/355,793)